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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

HEIDI WILDER
2885 Sanford Ave. SW #12806
Grandville, MI 49418

Registered Nurse License No. 725303

RESPONDENT

Case No. 2012-426

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about December 30, 2011, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2012-426 against Heidi Wilder (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about April 23, 2008, the Board of Registered Nursing (Board) issued Registered Nurse License No. 725303 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2012, unless renewed.

3. On or about December 30, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2012-426, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and Title 16, California Code of Regulation, section 1409.1, is required to be reported and maintained with the Board, which was and is:

2885 Sanford Ave. SW #12806

Grandville, MI 49418.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 5. On or about January 17, 2012, the signed Certified Mail Receipt was returned to our
5 office indicating a delivery date of January 11, 2012.

6 6. Business and Professions Code section 2764 states:

7 The lapsing or suspension of a license by operation of law or by order or decision of
8 the board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive
9 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
10 against such license, or to render a decision suspending or revoking such license.

11 7. Government Code section 11506 states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
13 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
14 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
15 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

16 8. Respondent failed to file a Notice of Defense within 15 days after service of
17 the Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation
18 No. 2012-426.

19 9. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
21 agency may take action based upon the respondent's express admissions or upon other evidence
22 and affidavits may be used as evidence without any notice to respondent.

23 10. Pursuant to its authority under Government Code section 11520, the Board after
24 having reviewed the proof of service dated December 30, 2011, signed by Shannon Silberling,
25 finds Respondent is in default. The Board will take action without further hearing and, based on
26 Accusation No. 2012-426 and the documents contained in Default Decision Investigatory
27 Evidence Packet in this matter which includes:
28

- 1 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation No. 2012-426,
2 Statement to Respondent, Notice of Defense (two blank copies), Request
3 for Discovery and Discovery Statutes (Government Code sections
4 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail
5 receipt or copy of returned mail envelopes;
- 6 Exhibit 2: License History Certification for Heidi Wilder, Registered Nurse License
7 No. 725303;
- 8 Exhibit 3: Court and Arrest Records;
- 9 Exhibit 4: Affidavit of Kami Pratab;
- 10 Exhibit 5: Declaration of costs by Office of the Attorney General for prosecution of
11 Case No. 2012-426

12 The Board finds that the charges and allegations in Accusation No. 2012-426 are separately and
13 severally true and correct by clear and convincing evidence.

14 11. Taking official notice of Certification of Board Costs and the Declaration of Costs by
15 the Office of the Attorney General contained in the Default Decision Investigatory Evidence
16 Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that
17 the reasonable costs for Investigation and Enforcement in connection with the Accusation are
18 \$720.00 as of February 7, 2012.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Heidi Wilder has subjected her following license(s) to discipline:

a. Registered Nurse License No. 725303

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's license(s) based upon the following violations alleged in the Accusation, which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.

a. Violation of Business and Professions Code section 2761(a) - Unprofessional Conduct.

b. Violation of Business and Professions Code section 2761(f) - Conviction substantially related to the qualifications, functions and duties of a registered nurse.

c. Violation of Business and Professions Code section 2762(b) - Use of controlled substance or alcohol to an extent or in a manner dangerous or injurious to oneself and others.

d. Violation of Business and Professions Code section 2762(c) - Criminal conviction involving alcoholic beverages or controlled substances.

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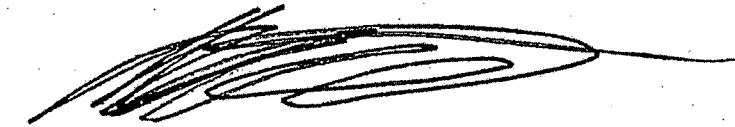
ORDER

IT IS SO ORDERED that Registered Nurse License No. 725303, heretofore issued to Respondent Heidi Wilder, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 10, 2012.

It is so ORDERED July 12, 2012



Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2012-426

Exhibit A

Accusation No. 2012-426

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
4 State Bar No. 203296
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5548
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-424

12 **HEIDI WILDER**
2885 Sanford Avenue SW #12806
13 Grandville, MI 49418

ACCUSATION

14 **Registered Nurse License No. 725303**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing (Board),
21 Department of Consumer Affairs.

22 2. On or about April 23, 2008, the Board issued Registered Nurse License Number
23 725303 to Heidi Wilder (Respondent). The license was in full force and effect at all times
24 relevant to the charges brought herein and will expire on April 30, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28 indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2764 provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. The Board may renew an expired license pursuant to the provisions of Code section 2811 (b).

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • •

“(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

7. Section 2762 of the Code states:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

...

“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

“(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section.

1 or the possession of, or falsification of a record pertaining to, the substances described in
2 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
3 thereof.”

4 8. Code section 490 provides, in pertinent part, that a board may suspend or revoke a
5 license on the ground that the licensee has been convicted of a crime substantially related to the
6 qualifications, functions, or duties of the business or profession for which the license was issued.

7 COST RECOVERY

8 9. Code section 125.3 provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licensee found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 FIRST CAUSE FOR DISCIPLINE

13 (Unprofessional Conduct: Criminal Conviction)

14 10. Respondent is subject to disciplinary action under Code sections 2762, subdivision
15 (c), 2761, subdivisions (a) and (f), and/or 490, in that on or about June 14, 2011, in Santa Cruz
16 County Superior Court, Case Number M58153, Respondent was convicted of having violated
17 Vehicle Code section 23152(b) (driving with blood alcohol of .08 percent or higher).
18 Respondent's conviction arose from her January 13, 2011 arrest after she was observed driving
19 southbound in the northbound lanes of Highway 1 in Santa Cruz, California. Respondent's blood
20 alcohol measured .21 percent. Imposition of sentence was suspended and Respondent was placed
21 on a five-year term of probation subject to conditions including 10 days in county jail, completion
22 of a First Offender Drinking Driver Program, and payment of fines and court fees.

23 SECOND CAUSE FOR DISCIPLINE

24 (Unprofessional Conduct: Dangerous Use of Alcohol)

25 11. Respondent is subject to disciplinary action under sections 2761 (a) and/or 2762 (b)
26 in that on or about January 13, 2011, Respondent used alcohol in a manner dangerous or injurious
27 to herself or others, as alleged in paragraph 10 above.


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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 725303, issued to Heidi Wilder;
2. Ordering Heidi Wilder to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 12/30/2011

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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